

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

JOINT STATEMENT

The plaintiff, Crystal Motor Express, Inc., and the defendant, Town of Lynnfield, submit the following for consideration at its Scheduling Conference.

I. **Proposed Agenda For Scheduling Conference.** The parties suggest the following matters for discussion at the scheduling conference:

- A. The proposed scheduling plan for discovery and motions.
- B. The positions of the parties regarding settlement.

II. Proposed Pretrial Schedule. The parties propose the following discovery schedule:

- A. Pleadings may be amended in accordance with Rules 14 and 15 of the Federal Rules of Civil Procedure.
- B. The parties shall each make automatic disclosures under Fed. R. Civ. P. 26(a) within thirty days of the scheduling conference.
- C. All depositions other than experts must be concluded and all responses to written discovery requests must be responded to by May 1, 2005.

- D. Plaintiff's expert witnesses must be disclosed pursuant to Fed. R. Civ. P. 26(a)(2) by June 1, 2005. Defendant's expert witness must be disclosed pursuant to Fed. R. Civ. P. 26(a)(2) by July 1, 2005.
- E. Expert witness depositions pursuant to Fed. R. Civ. P. 26(a)(2) must be taken within 45 days from the service of the defendant's expert reports under Fed. R. Civ. P. 26(a)(2)(B).
- F. Dispositive motions must be filed by September 30, 2005, and be responded to by the opposing side within 30 days.
- G. Dates for a final pretrial conference and for trial shall be determined by the Court after the completion of discovery and pending determination of any dispositive motions filed by the parties.

III. Trial By Magistrate Judge.

At this time, the plaintiff does not agree to submit this matter to a magistrate judge for trial. The defendant agrees to submit this matter to a magistrate judge for trial.

IV. Settlement. The plaintiff has served a demand for settlement upon the defendant, as per this Court's Order.

V. Certifications Pursuant to Local Rule 16.1(D)(3). Certifications under Local Rule are being filed separately with the Court. The plaintiff filed its certification with the Court on August 10, 2004.

TOWN OF LYNNFIELD

By its attorney,

”s/John Cloherty”
John Cloherty (BBO#566522)
Ten Winthrop Square
Boston, MA 02110
(617) 350-0950

Date: August 24, 2004

Respectfully submitted,

CRYSTAL MOTOR EXPRESS, INC.

By its attorneys,

”s/Edward V. Colbert III“
Wesley S. Chused (BBO#083520)
Edward V. Colbert III (BBO#566187)
Kimberly Y. Jones (BBO#632663)
LOONEY & GROSSMAN, LLP
101 Arch Street
Boston, Massachusetts 02110
(617) 951-2800